



**Planning Commission  
Minutes of the September 21, 2017 Regular Meeting**

The meeting was called to order by Planning Commission Chairman Wesson at 5:30 p.m.

**ATTENDEES  
PLANNING COMMISSION MEMBERS**

Troy Wesson, CAPZO, Planning Commission Chair	Present
John Seifert, CAPZO, City Council Member	Present
Michael Potter, CAPZO	Present
Cynthia McCollum, CAPZO	Present
Steve Ryder, CAPZO	Present
Cameron Grounds, CAPZO	Present
Lewie L. Bates, CAPZO	Present
Stephen Brooks, CAPZO	Present
Tim Cowles, CAPZO	Absent (Late)

**PLANNING STAFF PRESENT**

Johnny Blizzard, Senior Planner; Mary Beth Broeren, Director of Planning & Economic Development; Kevin Bernard, Associate Planner; Becky Grimes, Assistant City Attorney.

**REGISTERED PUBLIC ATTENDEES**

Michael Duffy, Joe Murphy, Samantha M. Omlie, Kaye Goldthorpe, William S. Lawler, Pam Riley, Walt Riley, Jon Bendickson, Larry H. Tribble, Beverly J. Haney, Jeanette Hadley, Tom Walters, Kevin Dollie Redding, John Emich, Cheryl Emich, Terri Johnson, Virgil Whitlow, Donna Vickery, Anupam Malhotree, Dale Garisson-Edmonds, Pam Benedict, Leith Benedict, Barry Byrd, Kyle Brickhouse, Amy Strickland, Joey Ceci, Abigail Lenzner, Perter Lenzner, Elizabeth Glover, Becky Wiersma, Pravin Patel, Ranjan Patel, Brandon Ciantaglione, John Fellows, Joyce Brown, Steve McCully, Jeff Schamburg, Lacey Schamburg, James Edmonds, Sandra Brooks, Chris Dow, Dan Strickland, Karen Mango, Scott Piro, Deborah Bond, Robert Bond, Paula Dvorsky, Carla Crouch, David Crouch, Cary Brown, John Somsel, Jeff Mullins, Mathis Sneed

**ACCEPTANCE OF THE AGENDA**

The agenda was accepted as presented with no discussion.

**APPROVAL OF THE MINUTES**

Mr. Ryder moved to approve the minutes of the August 17, 2017 regular meeting. Council member Seifert seconded the motion.

**Final Vote:**

Chairman, Troy Wesson	Aye
Cynthia McCollum	Abstain
Steven Ryder (M)	Aye
Cameron Grounds	Aye
Stephen Brooks	Abstain
Lewie Bates	Aye
Mike Potter	Aye
City Council Member Seifert (2 <sup>nd</sup> )	Aye
Tim Cowles	-----

**Motion Carried**

**PUBLIC COMMENTS**

Terri Johnson and Mike Potter, representing the Madison Growth Impact Committee, presented information on the impact of growth to the Madison City School District.

**PUBLIC HEARINGS**

Chair Wesson indicated that one public hearing would be held for items 1-3 on the agenda as they pertained to the same property.

**1. Annexation (ANN-2017-002) to annex 2.0 acres into the City of Madison, Alabama**

**Location:** Southwest corner of Powell Road and Burgreen Road

**Applicant/Owner:** Horace G. Haney and Beverley T. Haney

**Applicant Comments**

None.

**Staff Report**

Mr. Blizzard stated that this was a request to annex 2.0 acres into the City of Madison, to amend the West Side Master Plan Vision Map for 2.0 acres from MRC (Mixed Residential Conservation) to CC, and to zone 2.0 acres B2 (Community Business). He explained that the property has a single family residence in the jurisdiction of the Westside Master Plan and that staff was unaware of imminent development plans. Mr. Blizzard also noted that the property is not in a flood plain or wetlands and had no significant natural features that would prohibit annexation. Despite not having sanitary sewer, the opportunity to connect to a main is in close proximity. The property has good street capacity, making it a strategic location for future commercial development. Mr. Blizzard concluded that staff recommended approval.

**Public Comments**

Michael Duffy commented that existing businesses are not doing well on the main thoroughfares and there is a high rate of turnover. Mr. Duffy stated commercial development on

the property will harm the tax base because the property values for nearby homes will decrease.

Peter Lenzner did not anticipate businesses behind the homes and is opposed to the zoning request.

John Fellows supports annexation of the property and asked for clarification on place type and zoning differences. Ms. Broeren explained the difference between the two. Mr. Fellows asked how the annexation affects the green space allocation. Commissioner Potter responded that the corner is not a treed area within the Master Plan. Mr. Fellows stated he was concerned about increased traffic impacting the residential areas.

Leith Benedict requested that a traffic study be completed due to previous accidents and speeding motorists, and stated that he does not see the benefit to the city in such a small lot and does not want a commercial property in his backyard.

Jon Bendickson requested the property not be zoned commercial because the proposal is inconsistent with the Westside Master Plan and the residential surroundings.

Virgil Whitlow stated that he agrees with the proposed annexation, but disagrees with zoning the property to B-2.

Dan Strickland commented that the proposed change in zoning to B-2 would be the first change to date in the Westside Master Plan. He suggested that allowing a business on that lot was not a fiscally responsible decision. Mr. Strickland suggested that an environmental impact study be completed to protect the residents.

Dale Garrison-Edmonds stated that he disagreed with the idea that zoning the lot to Community Commercial as opposed to Residential will reduce demands on the Madison School System. He expressed the concern that any business at that location would create a safety hazard for residents and school children. Mr. Edmonds requested a safety study be completed.

Jeff Schaumburg supports the annexation but disagreed with elements of the staff report. He stated that he was concerned about the safety of residents and students due to increased traffic impacting the residential areas. Mr. Schaumburg also expressed concerns about the negative impact on values of existing and future homes.

William Lawler supports annexation but prefers the property be zoned other than Commercial.

Barry Byrd stated that increased traffic in the area will decrease property resale values.

Chairman Wesson asked staff to respond to the issues raised. Gary Chynoweth responded to the public's questions about traffic studies completed and stated that the City was currently undergoing a major street study to project future traffic volumes. He cited a 2009 traffic study that already anticipated increased traffic flow on Burgreen of up to 12,000 trips per day. He stated that Burgreen is designed for a capacity of 16,000 trips per day and that there is

currently only about 4,000 trips per day, and therefore there is adequate capacity on the roadway. Mr. Chynoweth also stated that homes generate most of the traffic (trips) and not businesses. He indicated that staff would conduct a traffic survey in the neighboring subdivisions of Cambridge and Waterford to ascertain conditions and that he would pull accident history for the area. Mr. Chynoweth stated that Burgreen is a major street. Mrs. Broeren responded to the inquiry regarding changes to the West Side Master Plan, reporting that there had been at least one other change to the Plan since its adoption. Mr. Blizzard commented that the existing use on the property could continue with the zone change.

### **Commission Comments**

Councilmember Seifert asked about the process of annexing land zoned as Agriculture. Mr. Blizzard responded this used to be done, but now the City zones property for the intended use.

Mr. Potter discussed other options for zoning, stating that B2 standards would govern development of the site. He addressed concerns regarding the decrease in property values. He briefly reviewed results of analysis he completed when the Publix on County Line Rd. was built and noted that the average increase in property values for homes was 20-25% after it was built.

Mr. Brooks stated that without annexation, the property could be developed into anything allowed by the authorities in Limestone County. He also noted that the annexation request could be withdrawn if the recommended zoning was not included. Mr. Potter further explained that there are no zoning regulations in unincorporated Limestone County and development was possible with just a building permit.

Mr. Potter also emphasized that the place types in the Westside Master Plan were not zoning codes and that annexations within the plan would still be subject to the parameters in the respective zoning designation. Mr. Wesson asked what alternative types of zoning designations would be an acceptable alternative type zoning besides B2. Staff responded that that was the most appropriate commercial designation.

### **Motion:**

Mr. Brooks motioned to approve the annexation of 2.0 acres (ANN-2017-002) into the City of Madison and forward to the City Council for adoption. Mr. Ryder seconded the motion.

### **Final Vote:**

Chairman, Troy Wesson	Nay
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	Aye
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

### **Motion Carried**

**2. Master Plan Amendment (MP 2017-003) to amend the West Side Master Plan Vision Map for 2.0 acres from MRC (Mixed Residential Conservation) to CC (Convenience Commercial) and Zoning Map Amendment (ZMA-2017-007) to zone 2.0 acres B2 (Community Business)**

**Location:** Southwest corner of Powell Road and Burgreen Road

**Applicant/Owner:** Horace G. Haney and Beverley T. Haney

**Applicant Comments**

None.

**Staff Report**

Contained in Item 1 (annexation) of the public hearing.

**Public Comments**

Contained in Item 1 (annexation) of the public hearing.

**Commission Comments**

Contained in Item 1 (annexation) of the public hearing.

**Motion:**

Mr. Potter motioned to approve a West Side Master Plan Vision Map amendment (MP 2017-003) for 2.0 acres from MRC (Mixed Residential Conservation) to CC (Convenience Commercial). Mr. Cowles seconded the motion.

**Final Vote:**

Chairman, Troy Wesson	Nay
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	Aye
Mike Potter	Aye
City Council Member Seifert	Nay
Tim Cowles	Aye

**Motion Carried**

**Motion:**

Mr. Brooks motioned to approve a Zoning Map Amendment (ZMA-2017-007) to zone 2.0 acres B2 (Community Business). Mr. Grounds seconded the motion.

**Final Vote:**

Chairman, Troy Wesson	Nay
Cynthia McCollum	Aye
Steven Ryder	Aye

Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	Nay
Mike Potter	Aye
City Council Member Seifert	Nay
Tim Cowles	Aye

**Motion Carried**

**3. Zoning Text Amendment (ZTA 2017-002) to establish an Urban Center District (UC) in the Zoning Ordinance**

**Applicant/ Owner:** City of Madison

**Staff Report**

Mr. Blizzard stated that this was a request to establish an Urban Center District in the City ordinance. He explained that this new district would accommodate: the establishment of a regional and civic shopping and entertainment destination mixed with high-density residential uses and that a ballpark would be allowed as a conditional use. Mr. Blizzard noted that the Urban Center District would incorporate horizontal integration of uses, prioritization of the pedestrian experience and high-quality site and architectural design. He explained that while the City's current Mixed Use district could achieve some of these goals, staff evaluated and determined it was advisable to create a new zoning district rather than modify those standards due to one of the properties already zoned MU located at the north end of County Line Road, which would be rendered nonconforming and may not be a good location for a regional destination. Additionally, many of the MU design standards are for a suburban campus, which is not conducive to current market demands for retail and entertainment venues.

Mr. Blizzard described elements of the proposed UC District, which included the following headings: Location Criteria, Permitted Uses, Permitted Conditional Uses, Prohibited Uses, Dimensional Requirements, Roadways, Parking Requirements, Site Design Requirements, Architectural Appearance of Buildings and structures, Green Infrastructure and Conformance with Long Range Plans. Mr. Blizzard also stated that the proposed UC District is structured similar to the other zoning districts in the Zoning Ordinance and that many of the MU standards are designed for a suburban campus. He concluded that the creation of the proposed UC District is an important step in making the goals expressed in the Growth Plan a reality. Mr. Blizzard concluded that staff recommended approval.

**Public Comments**

Kyle Brickhouse asked if a movie theatre counted as a multi-purpose venue and if there were any height restriction on such a venue. Staff responded that a movie theater is categorized as an Indoor Entertainment use. Mr. Brickhouse stated that he supports new development opportunities in the area but had concerns about the noise and light pollution from late night activities and the possible impact on nearby communities. Mr. Brickhouse requested a noise study be completed for the area and suggested language should be added in the amendment to preclude a stadium from being located at the multi-purpose venue.

Walt Riley asked about the differences between the Urban Center and Mixed Use designation. Mr. Riley also asked if there was a specific reason the Mixed Use designation could not be modified as opposed to creating a new zoning designation.

John Somsel asked if the proposed change in code would apply to the entire Town Madison area and would development restrictions exist in the Urban Center District. Mr. Somsel stated that a ballpark in the Urban Center District would be a huge mistake.

Diane Bond stated that she was concerned about the noise and light pollution that may result from the Urban Center District and requested the same courtesy afforded to residents of the Urban Center District to the neighboring communities.

Rebecca Violet stated that she disapproved of a ballpark as a multi-purpose venue and that homeowners also contribute to the City of Madison, but they are losing property value due to the loss of vegetation (trees) around their neighborhoods.

#### **Commission Comments**

Mr. Wesson asked how placement of the multi-purpose venue would impact residents with regards to light and noise pollution. Mr. Brooks stated that the City's lighting and noise ordinances would also apply to the Urban Center District. The Commission discussed the requirement for shared parking and the five-story limitation for residential uses but no other uses. Mrs. McCollum stated that the Urban Center District would be the ideal location for a stadium to be built. Mr. Cowles expressed his concern that the language of the code should be clear as to avoid loopholes for unintended uses in the district.

#### **Motion:**

Mr. Ryder motioned to approve Zoning Text Amendment (ZTA 2017-002) to establish an Urban Center District (UC) in the Zoning Ordinance and forward to the City Council for adoption. Mrs. McCollum seconded the motion.

#### **Final Vote:**

Chairman, Troy Wesson	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

#### **Motion Carried**

#### **4. Zoning Map Amendment ( ZNA-2017-009) to rezone 105.99 acres from AG (Agriculture) and M1 (Restricted Industrial District) to UC (Urban Center District)**

**Location:** South of Interstate-565 and west of Zierdt Road

**Applicant/Owner:** Old Town Investments

### **Applicant Comments**

Jeff Mullins, representing the applicant, stated that the berm and landscaping along the south side of Town Madison Boulevard along with the Traditional Neighborhood Development component under construction would create buffering for neighboring communities. Joey Ceci, representing the applicant, stated that there were several planned strategies to help mitigate disturbances to neighboring communities.

### **Staff Report**

Mr. Blizzard stated that this was a request for a zoning map amendment for 105.99 acres from AG (Agriculture) and M1 (Restricted Manufacturing) to UC (Urban Center District). He noted that this amendment is congruent with the City's long-range plans according to the Future Land Use Map, Growth Plan, and Parks & Recreation Master Plan. While the Future Land Use Map designates the northern portion of the subject area closest to I-565 and Zierdt Road (Commercial), the Growth Plan suggests new regional improvements to local infrastructure and also recommends mixed-use development. Mr. Blizzard said that rezoning of the subject property to the new UC District would be another important step in making these goals expressed in the Growth Plan a reality. Mr. Blizzard concluded that staff recommended approval.

### **Public Comments**

Kyle Brickhouse asked about buffering from light and noise pollution from the Urban Center District. Mathis Sneed shared renderings of the planned community buffering such as heavy landscaping and shield walls that would mitigate noise and light pollution.

Cory Brown requested clarification that his property on the north edge of the Urban Center District was excluded in the new district.

Joey Ceci, representing the applicant, stated that they have a substantial investment in the TND area and that they do not want anything in the UC area that would have a negative impact on existing and future residents. There is also a plan for high end apartments in the UC area. He mentioned the berm that is under construction. Commissioner Brooks asked if the TND development would be extended up toward Town Madison Boulevard, and Mr. Mullins replied that that was the plan.

Walt Riley asked how the developer can apply for a designation before it exists and what is planned that warrants a new district designation.

Samantha Omlie stated her concern about safely locating grocery stores with fueling stations away from residences and suggested locating them along the I-565 access road or Zierdt Road.

Kyle Brickhouse requested equal buffering for existing and new development.

### **Commission Comments**

Mr. Brooks asked how far the Traditional Neighborhood District would extend to the north of the Urban Center District. Jeff Mullins responded and addressed questions regarding landscaping and the berm.

Mrs. Broeren discussed the sequencing of establishing the new zoning standards and rezoning of the property, indicating that staff tentatively expected the City Council would consider the



new standards on November 13<sup>th</sup> and the rezoning of the property on November 27<sup>th</sup>. She also responded to questions regarding the existing Mixed Use zoning designation.

**Motion:**

Mr. Cowles motioned to rezone 105.99 acres from AG (Agriculture) and M1 (Restricted Industrial District) to UC (Urban Center District) (ZNA-2017-009) and forward to the City Council for adoption. Councilmember Seifert seconded the motion.

**Final Vote:**

Chairman, Troy Wesson	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

**Motion Carried**

Mr. Wesson suspended the proceedings for a ten-minute break at 8:05 p.m. and called the meeting to order again at 8:15 p.m.

**5. Madison Dental Park, Phase 2 (CP 2017-011)**

**Certified Plat for 2 lots on 4.80 acres**

**Location:** 8263 Madison Boulevard (South of Madison Boulevard, East of Hughes Road)

**Applicant/Owner:** CHS, LLC

**Applicant Comments**

None.

**Staff Report**

Mr. Blizzard stated that this was a request for a certified plat for 4.80 acres to be divided into two parcels to create a new 2.86 acre undeveloped lot. The parcels will have an ingress/ egress easement that will allow vehicles to exit onto Madison Boulevard at the traffic signal located at the intersection of Madison Boulevard and Research Boulevard. Mr. Blizzard concluded that staff recommended approval contingent on obtaining a Title Opinion, a Certificate of Accuracy and a Dedication Certificate that states that the easements must be dedicated to the public.

**Public Comments**

None.

**Commission Comments**

None.

**Motion:**

Mr. Cowles motioned to approve the Certified Plat for Madison Dental Park, Phase 2 (CP 2017-011) with contingencies.

Planning Department

1. Submit title opinion
2. Add a Certificate of Accuracy
3. Dedication certificate must state that "easement is dedicated to the public."

Councilmember Seifert seconded the motion.

**Final Vote:**

Chairman, Troy Wesson	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

**Motion Carried**

**6. Willow Creek Subdivision, Phase 2 (PP 2017-006)**

**Preliminary Plat for 22 lots on 26.68 acres**

**Location:** South of Browns Ferry Road, East of Sage Oak Drive

**Applicant/Owner:** Focus Investments

**Applicant Comments**

Mathis Sneed, representing the applicant, stated he was available to answer questions regarding the project.

**Staff Report**

Mr. Blizzard stated that this was a request for a preliminary plat of 22 lots on 26.68 acres. The original project size was scaled back from 48 lots due to concerns expressed by the Army Corps of Engineers regarding the impact on wetlands near the proposed development. The approval of the remaining lots is contingent on permission by the Army Corps of Engineers. Mr. Blizzard concluded that staff recommended approval.

**Public Comments**

None

**Commission Comments**

None

**Motion:**

Mr. Brooks motioned to approve Willow Creek, Phase 2 (PP 2017-006) with contingencies.

Planning Department

1. Signatures:

- 1) North Alabama Gas
- 2) Huntsville Utilities
- 3) Certificate of Accuracy
- 4) Surveyor

Councilmember Seifert seconded the motion.

**Final Vote:**

Chairman, Troy Wesson	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

**Motion Carried**

7. Moore's Creek Subdivision, Phase 3 (FP 2017-009)

**Final Plat for 36 lots on 22.07 acres**

**Location:** South of Powell Road, West of Segers Road

**Applicant/Owner:** Smart Living, LLC

**Applicant Comments**

Jeff Mullins stated that this project was phase 4 of the Moore's Creek subdivision (Piney Creek) and included construction of the bridge crossing near Moore's Creek Phases 1 & 2. He stated that the bridge should be completed within three to four months, to provide the desired connectivity of the subdivision.

**Staff Report**

Mr. Blizzard stated that this was a request for a final plat of 36 lots on 22.07 acres. It is the last phase of the Moore's Creek Subdivision. The construction of the new bridge will allow connectivity between Segers Drive and Powell Road providing a second entry into the subdivision. It will be constructed using a separate development agreement that runs concurrently with the development of the subdivision. Mr. Blizzard stated that recent recommendations by the Planning Commission for pedestrian access at Flicker Court were included in his comments. Mr. Blizzard concluded that staff recommended approval contingent on obtaining a Title Opinion, the editing of note #17 on the plans, the floodway at Moore's Creek be dedicated to the public, and a greenway connection is provided at Flicker Court.

**Public Comments**

None.

**Commission Comments**

None

Gary Chynoweth expressed concern that Engineering contingencies were not listed. Mr. Blizzard responded that he thought they had been resolved; however, they could be added if they are still outstanding.

**Motion:**

Mr. Brooks motioned to approve the final plat for Moore's Creek. Phase 3 (FP2017-009) with contingencies, including those of the Engineering Department.

Planning Department

1. Submit title opinion
2. Rephrase General Note 17 to say: "The City of Madison will maintain sidewalks within the right-of-way and any pedestrian easement for the use of the general public. The HOA is responsible for grass cutting."
3. If not already dedicated, include the Moore's Creek floodway in dedication or submit a deed for it to the City of Madison.
4. Add a greenway connection at Flicker Court

Engineering Department

1. As of September 1, As-built drawings are required for Final Plat approval, and none have been submitted.
2. LOC amounts cannot be approved without the as-built information.
3. Finish Floor Elevations cannot be verified without the as-built information.

Mr. Ryder seconded the motion.

**Final Vote:**

Chairman, Troy Wesson	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

**Motion Carried**

**(Public Hearing Closed)**

**8. Home2Suites (Site Plan 2017-021)**

**Site Plan for a 97 room hotel on 6.65 acre site**

**Location:** South of Interstate 565 and east of Wall Triana Highway **Applicant/Owner:** Old Town II, LLC

**Applicant Comments**

Jeff Mullins, representing the applicant, stated that this project is located on the site where the old Intergraph office buildings that were demolished were located and that they expect to start the construction phase in the next 30 to 60 days.

**Staff Report**

Mr. Blizzard stated that this was a request for a site plan approval for a 97 room hotel on 2.75 acres of a 6.65 acre tract. The hotel will have a total area of 60,348 square feet, a footprint of 15,087 square feet and reciprocal access on both sides of the property. Mr. Blizzard concluded that staff recommended approval contingent on obtaining a Fixture Detail and the Reciprocal Access Agreement.

**Commission Comments**

Councilmember Seifert asked about the location of the reciprocal access. Mr. Blizzard explained that exact location of the reciprocal access is to be determined and illustrated on a more current version of the site plan.

**Motion:**

Mr. Cowles motioned to approve Home2Suites Site Plan (SP 2017-021) with contingencies.

Planning Department

1. The type light fixtures to be used for outdoor lighting must be added to the lighting plan.
2. An Offer for Reciprocal Access Agreement must be submitted to the Planning Department for review before site plan signatures. The agreement must be recorded before issuance of building permits.
3. Provide landscape buffer adjacent to Graphics Drive as provided in Section 4-8-3 of the Zoning Ordinance.

Councilmember Seifert seconded the motion.

**Final Vote:**

Chairman, Troy Wesson	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Stephen Brooks	Aye
Lewie Bates	-----
Mike Potter	Aye
City Council Member Seifert	Aye
Tim Cowles	Aye

**Motion Carried**

### **New Business**

Shepherd Health Assisted Living, Site Plan approved July 21, 2016

Mr. Blizzard stated that through a sign permit request, staff discovered that there were some additional uses to what was originally proposed. Firstly, the cafeteria at the facility will be open to the public daily for breakfast, lunch, and dinner. Second, the wellness center and physical therapy will also be open to the public daily. Based on staff research of other assisted living facilities, this business model is outside of the scope of regular operations. To accommodate public access, firewall improvements were mandated by the Building Department, and additional parking calculations are being performed. Staff is bringing this issue to the Planning Commission's attention to see if they think it is necessary for re-approval.

### **Commission Comments**

The Commission discussed the location of the project and general operations. Mrs. McCollum expressed concern about residents' safety. Mr. Potter said that public access to similar facilities is usually limited to visitors of residents. Council Member Seifert said that the operators of the facility should be taxed according to the type of business they operate, and Mr. Brooks asked if the facility operators would have to pay taxes on sales to the public. Mr. Grounds stated that any privately operated businesses on the premises would require their independent business license and that taxes would be collected from meals sold to the general public in the cafeteria. Mr. Potter wanted to know how the facility operators plan on distinguishing between visitors of residents and customers from the public. The Commission expressed concern about the lack of disclosure and inquired as to their options. Staff reviewed options including obtaining more information and re-approval. Mr. Potter suggested that the approval for the additional business uses at the facility be contingent on the operators providing the City with an operation plan for the businesses with public access.

Staff indicated they would contact the operator for more information about their operational procedures. The Commission agreed that re-approval would not be necessary if staff thought the response was satisfactory.

### **ADJOURNMENT**

Mr. Wesson adjourned the meeting at 8:41 p.m.

### **Minutes Approved**



Troy Wesson, Chairman

ATTEST:



Johnny Blizzard, Senior Planner and Recording Secretary